

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

RICARDO WARE,

Petitioner

VS.

RALPH KEMP, WARDEN,

Respondent

NO. 5:06-CV-370 (CAR)

**PROCEEDINGS UNDER 28 U.S.C. §2254
BEFORE THE U. S. MAGISTRATE JUDGE**

ORDER

Petitioner RICARDO WARE has requested this court to provide legal representation to him in the above-captioned §2254 proceeding. Tab #4. The petitioner's request is premature. Until a response has been filed on behalf of the respondent and the court has a chance to review that response, the circumstances of this case cannot be properly evaluated.

The court on its own motion will consider appointing legal counsel for the petitioner if and when it becomes apparent that legal assistance is required in order to avoid prejudice to his rights. Certainly, if an evidentiary hearing is required, counsel will be provided for the petitioner.

Accordingly, at the present time, petitioner's motion for appointment of legal counsel (Tab #4) is DENIED.

SO ORDERED, this 8th day of NOVEMBER, 2006.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE